

REMARKS

This paper is in response to the Office Action mailed on 07/13/2004. In the Office Action, claims 1-27 were made subject to a first restriction requirement under 35 U.S.C. § 121 based on search classes; and claims 1-27 were further made subject to a genus-species type restriction requirement. Reexamination and reconsideration in view of the amendments and the remarks made herein is respectfully requested.

Applicant has amended claims 16 and 21-27 by this response. No claim has been added or cancelled by this response. Accordingly, claims 1-27 remain pending. Of the pending claims, claims 1, 11, 16, and 21 are independent claims.

Applicant believes that no new matter has been added by this response.

I) SEARCH CLASS RESTRICTION REQUIREMENT

In Section 1 of the Office Action, claims 1-27 were restricted under 35 U.S.C. 121 into three inventions as follows:

Invention I: Claims 1-15 are, drawn to a hand held hair dryer and nozzle, classified in class 34, subclass 96.

Invention II: Claims 16-20 are, drawn to a method of automatic air flow movement, classified in class 34, subclass 462.

Invention III: Claims 21-27 are, drawn to a nozzle per se, classified in class 239, subclass 699.

Applicant respectfully traverses this restriction requirement.

In response to the Office Action, Applicant provisionally elects to go forward with claims 1-15 of Invention I.

In restricting inventions I and III, the Office Action states that "the subcombination has separate utility such as gardening nozzle". [Office Action, page 2, lines 17-18]. Applicant respectfully disagrees. The elements of the oscillating nozzle and hollow flexible rubber boot are expressly limited to being used with a hair dryer. Thus, Applicant respectfully submits that the claimed subcombination lacks separate utility so that restriction is not necessary.

Moreover, the Office Action states that Invention III of Claims 21-27 are drawn to a nozzle per se, classified in class 239, subclass 699. Applicant respectfully disagrees. Claims 21-27 have been amended so that it is clear that they are drawn to a "nozzle attachment **for a hair dryer**". [Claim 21, lines 1-2]. (emphasis added). As this utility is the same as that of inventions I and II, Applicant respectfully submits that restriction is not necessary.

In restricting invention II from inventions I and III, the Office Action states that "the method claims 16-20 of Group II can be carried out by hand or other apparatus, e.g. a compressor". [Office Action, page 3, lines 2-3].

Applicant has amended independent claim 16 so that its clear that the method of automatic air flow movement is for a hand held hair dryer and not a compressor or apparatus other than a hair dryer. Applicant respectfully submits that this amendment clarifies that method claims 16-20 are not carried out by hand or

another apparatus, such as a compressor, so that restriction is not necessary.

In view of the foregoing remarks, Applicant respectfully request reconsideration of the search class restriction requirement.

II) GENUS-SPECIES RESTRICTION REQUIREMENT

In Section 6 of the Office Action, claims 1-27 were further restricted under a genus-species type restriction requirement to the species of claimed invention illustrated by Figures 1, 6, and 9. Applicant respectfully traverses this restriction requirement.

In response to the Office Action, Applicant provisionally elects examination with respect to the species of Figure 9.

The Office Action did not mention a distinguishing feature in the embodiments disclosed in making the genus-species restriction requirement. With respect to the claims and the drawings of Figures 1-10B, one distinguishing feature between the claims and the Figures is how the oscillating nozzle assembly is coupled or integrated with a hair dryer. In view of this distinguishing feature, Applicant instead suggest the following three species:

Species I: Figures 1-2 and 9 illustrate an oscillating nozzle assembly being coupled to an end of a hairdryer with a groove or ring 244.

Species II: Figures 6-7 illustrate an oscillating nozzle assembly being integrated within a housing of the hairdryer.

Species III: Figure 8 illustrates an oscillating nozzle assembly with a flexible boot to couple to a standard hair dryer without a groove or ring.

However, note that claim 10 with the element of an intake sleeve distinguishes between Figures 1-2 and Figure 9.

If the Examiner agrees with these three species proposed by Applicant, Applicant elects species III of Figure 8 for examination.

Applicant reads the original filed claims on the species figures as follows:

Figures 1-2 (only)	Claims 1-2, 4-13, and 16-20.
Figure 9 (only)	Claims 1-2, 4-9, 11-13, and 16-20.
Figures 1-2 and 9	Claims 1-2, 4-13, and 16-20.
Figures 6-7	Claims 1-2, 4, 6-8, and 16-20.
Figure 8	Claims 1-9, and 11-27

Additionally, the Office Action suggests that no claim is generic. [Office Action, page 3, Para. 6, line 5]. Applicant respectfully disagrees.

As claims 1-2, 4, 6-8, and 16-20 read on all the species, they are generic claims. Additionally, claims 5, 9, and 11-13 read on all species but the species of Figures 6-7 and thus may be considered generic claims.

In contrast, claim 10 reads on the intake sleeve uniquely shown in the Figures 1-2 species; and claims 3, 14-15, and 21-27 read on the flexible rubber boot uniquely shown in the Figure 8 species and thus are not generic claims.

In view of the foregoing remarks, Applicant respectfully request reconsideration of the genus-species restriction requirement.

III) APPLICANT'S INTERVIEW SUMMARY

A telephonic interview was held July 22, 2002 between Examiner Jiping Lu and Applicant's Attorney, William E. Alford, regarding the above referenced patent application and the Office Action mailed on July 13, 2004.

In particular, the genus-species restriction requirement was briefly discussed. Applicant's attorney explained that he would put forward a slightly different set of species of figures and explain the reasoning therefore in response.

No claim was particularly discussed during the telephonic interview. No amendment to any claim was discussed and thus no agreement was reached with respect to any claim amendment. No exhibit was shown nor was any demonstration conducted.

IV) SPECIFICATION AMENDMENTS

Applicant has amended three paragraphs found in the detailed description.

A first paragraph was amended to delete a typographical error of redundant words in a sentence.

The second and third paragraphs were amended to change the reference number "234" referring to a circular groove to --243-- in order to avoid confusion of the circular groove with a pair of mounting bushings 234A-234B in the intake sleeve 204.

V) DRAWING AMENDMENT

Applicant has amended the drawing of Figure 2 to change the reference number "234" to --243-- in order to be consistent with the amendment to the reference number in the paragraphs of the Specification.

VI) CLAIM AMENDMENTS

Applicant has amended claims 16 to clarify that Applicant's claimed invention involves elements for a hand held hair dryer that uses a motorized fan.

Applicant has amended the preamble of claims 21-27 to delete "universal" to further clarify that the claimed nozzle is for a hair dryer.

No substantive examination of the claims has occurred. These amendments to claims 16 and 21-27 are not made for reasons related to patentability.

Appl. No. 10/666,641

Dated 08/10/2004

Reply to Office Action of 07/13/2004

CONCLUSION

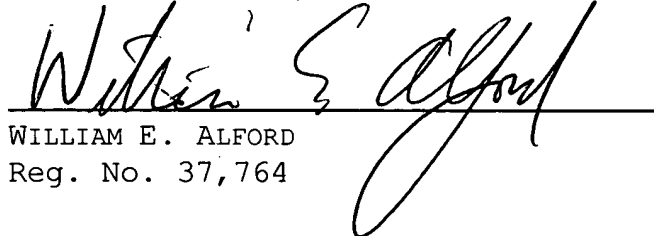
A first substantive examination of the pending claims in the application is respectfully requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

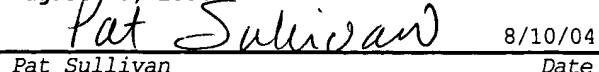

WILLIAM E. ALFORD
Reg. No. 37,764

Dated: August 10, 2004

12400 Wilshire Boulevard,
Seventh Floor
Los Angeles, California 90025
(714) 557-3800

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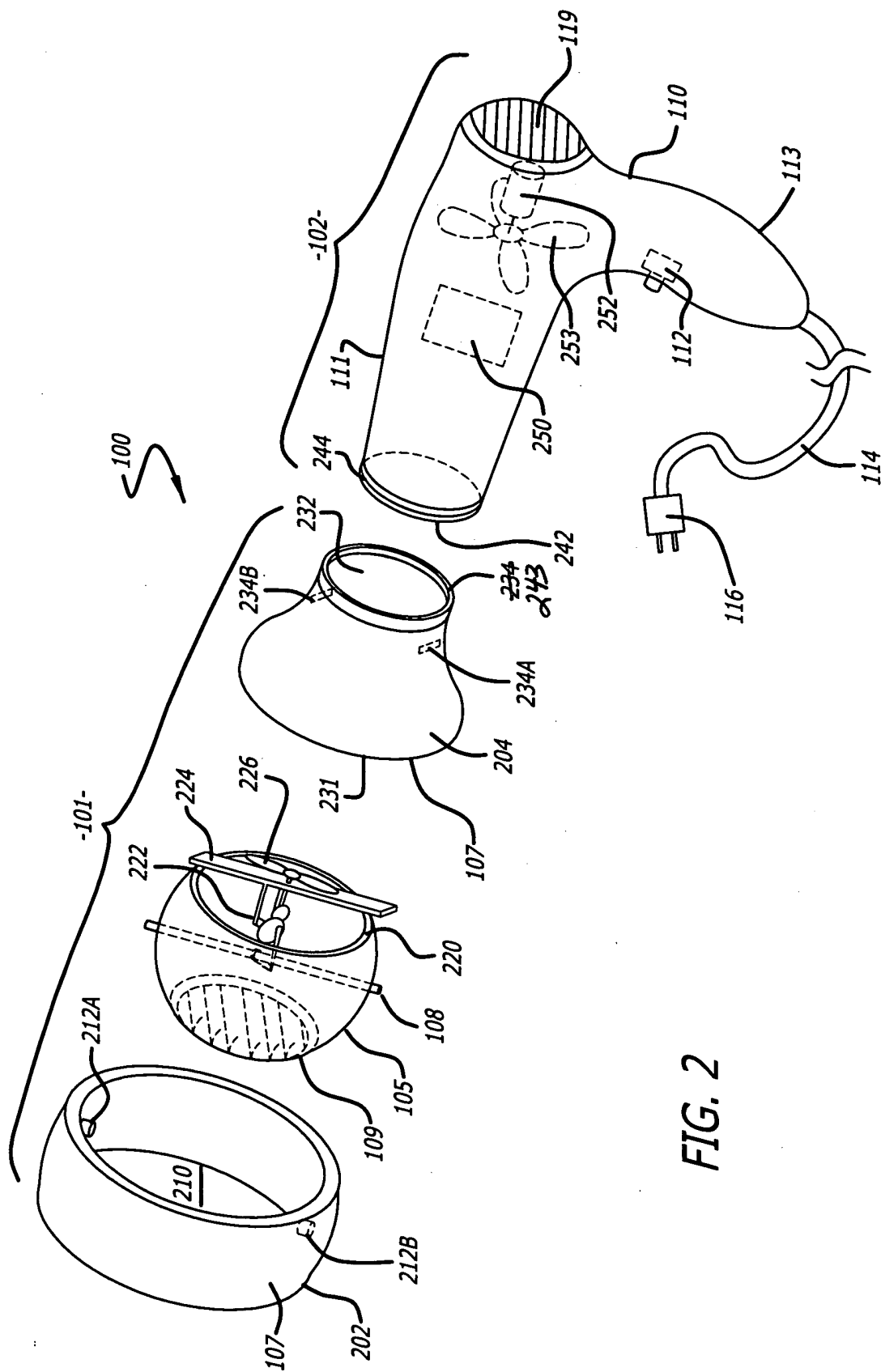


FIG. 2